Disclaimer: Portions of this report were not available in their final electronic version. In some cases, missing sections were scanned. In other cases, modified draft versions, which look slightly different from the original print versions, were substituted. Although the formatting may look different from the print version of this report, in no case were the data changed in any way.

Attachment 2: Notable Documents

Notable Documents for FY1999 & January 1997 -- June 30, 1998 reporting period.

□ Incidental Take Permit, 1/1997, issued by USFWS

Northern spotted owl, marbled murrelet, gray wolf, grizzly bear, bald eagle, peregrine falcon, Aleutian Canada goose, Columbian white-tailed deer, Oregon Silverspot butterfly

□ ITP Amendment, 1/26/99, issued by USFWS

Columbia River Basin segment of bull trout, west of Cascade crest

□ ITP Amendment, 4/9/99, issued by USFWS

Coastal/Puget Sound segment of bull trout

□ Incidental Take Permit, 6/19/99, issued by NMFS

Lower Columbia steelhead (LCR), LRC chinook, Puget Sound chinook, Hood Canal summer-run chum, CR chum, Ozette Lake sockeye

- □ Correspondence from USFWS and NMFS, 1/22/98, granting coverage for sand/gravel mining activities, deemed to have minimal impact on unlisted aquatic and riparian species.
- □ Correspondence from USFWS, 5/28/98, correcting ambiguity in section 16.3 of IA and 11.C of ITP, relating to **permitees**.
- □ Correspondence from DNR to USFWS, 12/15/97, with details of nest patch commitments, as per HCP implementation agreement; designated 66, 500 acre patches. Mapping is attached.

Department of Natural Resources Incidental Take Permit and Amendments issued under the Habitat Conservation Plan Compiled: April 6, 2000

1. January 1997: USFWS issued the original Incidental Take Permit (ITP) for forest lands within the range of the northern spotted owl in the state of Washington.

Northern spotted owl
Marbled murrelet
Gray wolf
Grizzly bear
Bald eagle
Peregrine falcon
Aleutian Canada goose
Columbian white-tailed deer
Oregon silverspot butterfly

- 2. January 1999: USFWS added Columbia River Basin segment of bull trout west of the Cascade crest.
- 3. April 1999: USFWS added Coastal/Puget Sound distinct population segment of bull trout.
- 4. June 1999: National Marine Fisheries Service issued incidental take permit for the following segments of salmonid stocks:

Lower Columbia steelhead (LCR), LCR chinook, Puget Sound (PS) chinook, Hood Canal summer-run (HCS) chum, Columbia River (CR) chum, Ozette Lake (OL) sockeye.



DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

WASHINGTON DEPARTMENT OF NATURAL RESOURCES 1111 WASHINGTON STREET, SE P.O. BOX 47000 OLYMPIA. WA 98504-7000

2. AUTHORITY-STATUTES
16 USC 1539(a)
!
İ
REGULATIONS (Attached)
50 CFR 17.22(b)(3)
50 CFR 17.32(b)(3)
50 CFR PART 13
JO CER FARE 13
3. NUMBER
PRT-812521
A RENEWAGLE . S MAY COPY
YES XX YES
. WY162
XX NO I NO
6. EFFECTIVE 7 EXPIRES
SEE BLOCK 11,
ITEM F. HELOW
114.1. 1110.

1-201

8. NAME AND TITLE OF PRINCIPAL OFFICER (# 21 % 2 DUGINGSS)
KALEEN COTTINGHAM,
DEPARTMENT SUPERVISOR

9. TYPE OF PERMIT

INCIDENTAL TAKE PERMIT-812521

DEPARTMENT OF NATURAL RESOURCES-MANAGED FOREST LANDS WITHIN THE RANGE OF THE NORTHERN SPOTTED OWL IN THE STATE OF WASHINGTON.

- 11. CONDITIONS AND AUTHORIZATIONS:
 - A GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13. AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY. OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
 - E. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
 - C. VALID FOR USE BY PERMITTEE HAMED ABOVE. AND ITS AUTHORIZED OFFICERS, EMPLOYEES, CONTRACTORS, AND AGENTS.

SEE ATTACHED

TYNADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS

ORIGINAL ORIGINAL

REGIONAL DIRECTOR

01/30/97

U.S. FISH AND WILDLIFE SERVICE, PORTLAND, OREGON ADDITIONAL PERMIT CONDITIONS FOR PRT-812521

- D. This permit is subject to the provisions of Title 50 Code of Federal Regulations Parts 10, 13, and 17.
- E. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Habitat Conservation Plan (HCP), and Implementation Agreement (IA), executed by the Permittee, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. This permit, and the HCP and IA, are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting permitted activities.
- F. The term of the this permit shall be from January 30, 1997 to January 30, 2067, except the permit term for grizzly bears (*Ursus arctos horribilis*) shall be from January 30, 1997 to January 30, 2002. The permittee may apply for a permit amendment to extend the permit term for grizzly bears until January 30, 2067.
- G. Permittee, and its authorized officers, employees, contractors, and agents are authorized to incidentally take gray wolves (Canis lupus), grizzly bears, northern spotted owls (Strict occidentalis caurina), bald eagles (Haliaeetus leucocephalus), American peregrine falcons (Falco peregrinus), marbled murrelets (Brachyramphus marmoratus marmoratus), Columbian white-tailed deer (Odocoileus virginianus leucurus), Aleutian Canada geese (Branta canadensis leucopareia), and Oregon silverspot butterflies (Speyeria zerene hippolyta) in the course of otherwise lawful activities in accordance with the terms and conditions of the HCP, IA, the permit, and the Incidental Take Statement of the Biological Opinion (attached hereto).
- H. Permittee shall notify the Service of new locations of permit species that are discovered within the area covered by the HCP, including, but not limited to, locations of occupied murrelet habitat; owl site centers; wolves; nests, communal roosts, or feeding concentrations of bald eagles; peregrine falcon nests; Columbian white-tailed deer; Aleutian Canada geese; and Oregon silverspot butterflies.
- I. Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, Permittee shall, within 3 working days, notify the U.S. Fish and Wildlife Service's Western Washington Office, Olympia, Washington (360-753-9440). Instructions for proper handling and disposition of such specimens will be issued at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state.
- J. Permittee shall refer to permit number PRT-812521 in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be



United States Department of the Interior

FISH AND WILDLIFE SERVICE 911 NB. 11th Avenue Portland, Oregon 97232-4181

JAN 26 1999

Jennifer Belcher
Washington Department of Natural Resources
1111 Washington Street, SE
P.O. Box 47000
Olympia, WA 98504-7000

Dear Ms. Belcher:

In response to your May 20, 1998, letter requesting that the bull trout be added to your Endangered Species Act incidental take permit PRT-812521, the Fish and Wildlife Service has determined that this amendment is appropriate.

By notice of this letter, paragraph 11.G of permit PRT-812521 is amended to read:

The permittee, its authorized officers, employees, contractors, agents, lessees, licensees, permittees, right-of-way grantees, and purchasers are authorized to incidentally take the gray wolf (Canis lupus), grizzly bear (Ursus arctos horribilis), northern spotted owl (Strix occidentalis caurina), bald eagle (Haliaeetus leucocephalus), American peregrine falcon (Falco peregrinus), marbled murrelet (Brachyramphus marmoratus marmoratus), Columbian white-tailed deer (Odocoileus virginianus leucurus), Aleutian Canada goose (Branta canadensis leucopareia), Oregon silverspot butterfly (Speyeria zerene hippolyta), the Columbia River Basin distinct population segment of the bull trout (Salvelinus confluentus) west of the Cascade crest, in the course of otherwise lawful activities in accordance with the terms and conditions of the Habitat Conservation Plan, Implementing Agreement, the permit, and the Incidental Take Statement of the Biological Opinion (attached).

Paragraph 11.H is also amended to read:

The permittee shall notify the Service of new locations of permit species that are discovered within the area covered by the Habitat Conservation Plan, including, but not limited to, locations of occupied murrelet habitat; owl site centers; wolves; nesta, communal roosts, or feeding concentrations of bald eagles; peregrine falcon nests; Columbian white-tailed deer; Aleutian Canada geese; Oregon silverspot butterflies and additional stream reaches found to contain the bull trout.



United States Department of the Interior

FISH AND WILDLIFE SERVICE 911 NE. 11th Avenue Portland, Oregon 97232-4181

Jennifer Belcher Washington Department of Natural Resources 1111 Washington Street, SE P.O. Box 47000 Olympia, WA 98504-7000

Dear Ms. Botcher:

In response to your March 17, 1999, letter requesting that the Coastal/Puget Sound distinct population segment of the buil trout be added to your Endangered Species Act incidental take permit PRT-812521, the Fish and Wildlife Service has determined that this amendment is appropriate.

By notice of this letter, paragraph 11.G of permit PRT-812521 is amended to read:

The permittee, its authorized officers, employees, contractors, agents, lessees, licensees, permittees, right-of-way grantees, and purchasers are authorized to incidentally take the gray wolf (Canis hapus), grizzly bear (Ursus arctos horribilis), northern spotted owl (Strix occidentalis caurina), bald eagle (Haliaeetus leucocephalus), American peregrine falcon (Falco peregrinus), marbled murrelet (Brachyramphus marmoratus marmoratus), Columbian white-tailed deer (Odocoileus virginiamus leucurus), Aleutian Canada goose (Branta canadensis leucopareia), Oregon silverspot butterfly (Speyeria zerene hippolyta), the Columbia River Basin distinct population segment of the bull trout (Salvelimus confluentss) west of the Cascade crest, and the Coastal/Puget Sound distinct population segment of the buil trout (effective upon any future listing) in the course of otherwise lawful activities in accordance with the terms and conditions of the Habitat Conservation Plan, Implementing Agreement, the permit, and the Incidental Take Statement of the Biological Opinion (attached).

Paragraph 11.H is also amended to read:

The permittee shall notify the Service of new locations of permit species that are discovered within the area covered by the Habitat Conservation Plan, including, but not limited to, locations of occupied murrelet habitat; owl site centers; wolves; nests, communal roosts, or feeding concentrations of bald eagles; peregrine falcon nests; ____

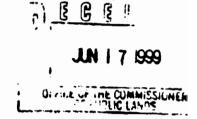


UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
HABITAT PROGRAM/OLYMPIA FIELD OFFICE

510 Desmond Drive SE/Suite 103 LACEY, WASHINGTON 98503

June 16, 1999

The Honorable Jennifer Belcher
Commissioner of Public Lands
Washington Department of Natural Resources
1111 Washington Street SE
Olympia, Washington 98504-7000



Dear Commissioner Belcher:

Enclosed is Permit Number 1168 issued to the Washington Department of Natural Resources (WDNR) under the authority of Section 10 of the Endangered Species Act (ESA). Permit 1168 authorizes incidental take of threatened Lower Columbia River (LCR) steelhead, LCR chinook, Puget Sound (PS) chinook, Hood Canal summer-run (HCS) chum, Columbia River (CR) chum, and Ozette Lake (OL) sockeye associated with timber and non-timber management activities in western Washington state, as per the provisions of the WDNR Habitat Conservation Plan (HCP) and unlisted species provisions of the Implementation Agreement (IA).

The National Marine Fisheries Service (NMFS) has determined that if WDNR management activities are conducted as described in the HCP, and in compliance with the terms and conditions of IA and the permit, the expected take will be appropriately minimized and mitigated for and will not appreciably reduce the likelihood of survival or recovery of the Evolutionarily Significant Units (ESUs) of the LCR steelhead, LCR chinook, PS chinook, HCS chum, CR chum, and OL sockeye.

The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the WDNR HCP and IA. The term of this permit is for the duration of the HCP and expires January 30, 2067. WDNR may apply for up to three extensions of 10 years each for both the HCP and this permit.

As per the terms of the unlisted species provisions of the IA, should any additional anadromous salmonid species that were unlisted at the time of finalization of the HCP become listed under the ESA, you may request an addition of the new species to this permit. At that time, NMFS would make a decision on issuance of the permit amendment without requiring additional mitigation, unless, within a specified sixty day period, NMFS demonstrates that extraordinary circumstances exist.



United States Department of the Interior Fish and Wildlife Service



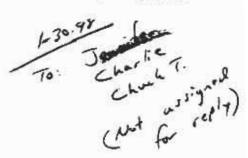
United States Department of Commerce

Fish and Wildlife Service 510 Desmond Drive S.E., Suite 102 Lacey, Washington 98503

National Marine Fisheries Service 510 Desimond Drive S.E., Suite 103 Lacey, Washington 98503

January 22, 1998

The Honorable Jennifer Belcher Commissioner of Public Lands Washington Department of Natural Resources 1111 Washington Street SE Olympia, Washington 98504-7000



Dear Commissioner Belcher

At the time the Department of Natural Resources Habitat Conservation Plan (DNR HCP) was signed, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services) had limited information concerning sand and gravel mining and other mining activities on DNR-managed lands. As a result, the Services could not conclude that these mining activities within riparian areas, including the 100-year flood plain and the DNR HCP buffers, were sufficiently minimized and mitigated to allow issuance of a long-term incidental take permit, when or if anadromous salmonids or other aquatic and riparian species were listed under the Federal Endangered Species Act.

Based on the limited information on sand and gravel extraction activities (valuable material sales) available at the time the HCP was signed, the Services were able to provide DNR coverage for then unlisted anadromous salmonids and other aquatic and riparian species only until January 30, 1998. However, the Services agreed to extend coverage for these activities at the 1996 levels for the length of the 70-to-100-year term of the HCP, if DNR provided additional information concerning the location and intensity of such activities and the extent of their impacts to these species.

Since the signing of the HCP, the Services have received additional information from DNR concerning sand and gravel mining and other mining contracts. Based on information provided by Bruce Monell of your staff at a meeting on September 18, 1997, the DNR has a total of 360 sand and gravel pits covering 768 acres for which DNR is seeking coverage (a few additional pits in urban areas are not covered by the HCP, and there are sand and gravel extraction activities on DNR's aquatic lands which are not covered by the HCP). Most of the 360 pits (332) are used for silvicultural, non-commercial purposes, while the remainder (28) are commercial. None of the non-commercial pits are within an HCP riparian management zone (RMZ), and all are "percolation pits," i.e., there is no outlet from the pit. Of the commercial pits, six require a National Pollutant Discharge Elimination System Permit as point sources. The remaining commercial pits are percolation pits. In a table provided by DNR to the Services on November 26, 1997 (attached), all but one of the

commercial pits are located outside of HCP RMZs (the Butler Pit in Skagit County has 0.75 acres within the HCP RMZ). Also, DNR has assured us that there were no active open-pit metallic or open-pit industrial mineral mines or underground mines on DNR-managed land during 1996.

Based on our review of this additional information, the Services conclude that sand and gravel mining activities and other mineral contracts on DNR lands have a negligible or minimal impact on unlisted anadromous salmonids and other aquatic and riparian species. As such, the Services extend the coverage for these unlisted species at the 1996 levels for these activities for the full length of the HCP term.

Sincerely,

John Engbring,

Habitat Conservation Plan Program Manager

U.S. Fish and Wildlife Service

Steven W. Landino

Olympia Field Office Supervisor Habitat Conservation Program

National Marine Fisheries Service

JE/jko

NMFS, Lacey - Robert Turner
 FWS, Lacey - Tim Bodurtha

PITS & QUARRIES ON DNR-MANAGED LANDS WITH COMMERCIAL SALES

County	Site Name	Sales in 1996	Acres	Legal Description (Section, township, range)	Site in RMZ?	Mining in RMZ/ # of Acres
Clallam	Agate Pit	Yes	1.3	NWNE, S30, T30N, R8W	No	No
Clallanı	Fitzgerald Road Pit	No	3	NENE, S11, T29N, R4W	No	No
Clallanı	Mary Clark Pit	Yes	20	N1/2NW, S32, T30N, R12W	No	No
Clallanı	Three Rivers Pit	Yes	2	NENW, S21, T28N, R14W	No	No
Clallanı	Deer Park Pit	Yes	0.5	S15, T29N, R5W	No	No
Clark	Livingston Quarry *	No	20	SENW,NWSE,NESW, S11, T2N, R3E	No	No
Cowlitz	Spenser Creek*	Yes	1	S9, T6N, RIW	No	No
Grays Harbor	Upper Lytle Quarry	Yes	5	S17, T17N, R5W	No	No
Grays Harbor	Low Bank Pit	No	4	SW4, S15, T17N, R4W	No	No
Jefferson	Tower Creek Quarry	Yes	5	SWSW, S15, T27N, R11W	No	No
Jefferson	Winfield Pit South	Yes	25	SWSW, S35, T27N, R12W	No	No
Jefferson	Dry Creek Pit	No	18	NWNE, NENW, S15, T26N, R11W	No	No
Jefferson	Border Boulder Pit	Yes	40	SESE, S36, T25N, R11W	No	No
Lewis	Salmon Creek Quarry	Yes	2	S3 TIIN, R2E	No	No
Lewis	F-120 Pit	Yes	1.5	S6, T16N, T6E	No	No
Lewis	Peter's Road Quarry	Yes	2	SE S24 T12N, R6E	No	No
Pacific	Upper Mill Pit	Yes	5	NWSW, S21, T13N, R6W	No	No

PITS & QUARRIES REQUIRING NPDES PERMITS

COUNTY	SITE NAME	ACRES	LEGAL DESCRIPTION (Section, Township, Range)	RELATION TO RMZ	RMZ ACRES
Grays Harbor	Hookup Quarry	2.5	NENE S1, T17N, R5W	IN Type 1	1.5
Grays Harbor	North Creek Quarry	1.5	NWNW S9, T16N, R4W	IN Type 1	1
King	Black Rock	3	SENWNE S2, T26N, R7E	OUT	0
Skagit	Butler Pit	5	NENW, S16, T35N, R4E	IN Type 3	.75 (Exclusion)
Snohomish	High Rock Quarry	80 current 250 proposed	W%, S19, T17N, R7E	OUT-Current INAs expandedmore mitigation planned Type "5"	1.5
Thurston	Apple Tree Quarry	1.5	S15, T18N, R3W	IN Type 1	1



WREPLFRIPER TO

United States Department of the Interior

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FISH AND WILDLIFE SERVICE

211 NE 11th Avenue Portland. Oregon 97232-4181

Jennifer Belcher, Commissioner of Public Lands Washington Department of Natural Resources 1111 Washington Street, SE P.O. Box 47000 Olympia, Washington 98504-7000

Dear Commissioner Belcher:

In reviewing and monitoring implementation of the Department of Natural Resources incidental take permit (permit number PRT-812521), the Fish and Wildlife Service has noted an ambiguity between the condition as stated in section 16.3 of the Implementation Agreement and as stated in paragraph 11.C. of the permit.

To eliminate this unintended ambiguity, paragraph 11.C. of permit PRT-812521 is corrected to read:

Valid for use by permittee named above and its authorized officers, employees, contractors, agents, lessees, licensees, permittees, right-of-way grantees, and purchasers.

Please attach this letter to your permit. If you have any questions, please contact Dave Wesley, Assistant Regional Director, at (503) 231-6159.

Sincerely,

Thomas Dwyer



114

JENNIFER M. BELCHER
Commissioner of Public Land

December 15, 1997

Mr. John Engbring
U.S. Department of the Interior, U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503-1273

Dear John:

I am pleased to inform you that DNR has fulfilled one of its most important HCP implementation commitments: the designation of 66, 500-acre spotted owl nest patches. The enclosed maps show the general locations of these patches; the enclosed computer tape contains a precise record of patch locations and boundaries.

Nest patches were selected by DNR wildlife biologist Paula Swedeen, working with DNR's Northwest, South Puget Sound, and Southwest region offices, as well as USFWS wildlife biologist Carolyn Scafidi. The selection process involved screening potentially suitable habitat with DNR foresters, field inspections to verify habitat conditions, and review of candidate patches with region management. Patches identified via this process have been reviewed and approved by DNR management and the Commissioner of Public Lands.

The HCP stipulates that each patch should consist of a 300-acre core of "the highest quality nesting habitat available" and a 200-acre buffer of "sub-mature or higher quality habitat," and that the entire 500-acre patch be "entirely within a circle of 0.7 mile radius." Only 33 (50%) of the nest patches could be situated in (Old Forest) habitat known to support spotted owl nesting in western Washington (Table 1). This reflects a paucity of Old Forest habitat on DNR lands in the western Cascades. Per guidance in the HCP, the remaining 33 patches were placed in "the highest quality nesting habitat available." However, 19 patches (29%) had to be placed in Young Forest Marginal habitat or forested non-habitat (Table 1). Again, this reflects the scarcity of older forest habitat on DNR lands in the western Cascades. Nine (14%) of the nest patches could not be configured within a 0.7-mile radius circle; these patches were configured within circles up to 1.2 miles in radius. These departures in configuration occurred in response to long, narrow stands of Old Forest habitat surrounded by young, regenerating forest. Although half of the patches were placed in habitat not known to support spotted owl nesting, and nine patches exceed the configuration specified in the HCP, patches selected represent a consensus recommendation by DNR and USFWS biologists. In other words, there is mutual agreement that patches were placed in the best possible locations.

Mr. John Engbring Page 2 December 15, 1997

DNR is assembling detailed information describing each of the 66 nest patches. Please contact Paula Swedeen at 360-902-1392 if you would like to have copies of this information. If you have questions about the format of the enclosed computer tape, please contact Kristin Jamison at 360-902-1640. Please contact me at 360-902-1148 if you have general questions about the nest patch selection and designation process.

Sincerely,

Lacko W Turley
Charles W. Turley

HCP Implementation Manager

CWT:ly

Enclosures

c: Jennifer M. Belcher, Commissioner of Public Lands

Charles Baum, Department Supervisor

John Daly, Deputy Supervisor for Operations

Paul Silver, Deputy Supervisor for Resource Management

Bonnie Bunning, Manager, South Puget Sound Region

Rick Cooper, Manager, Southwest Region

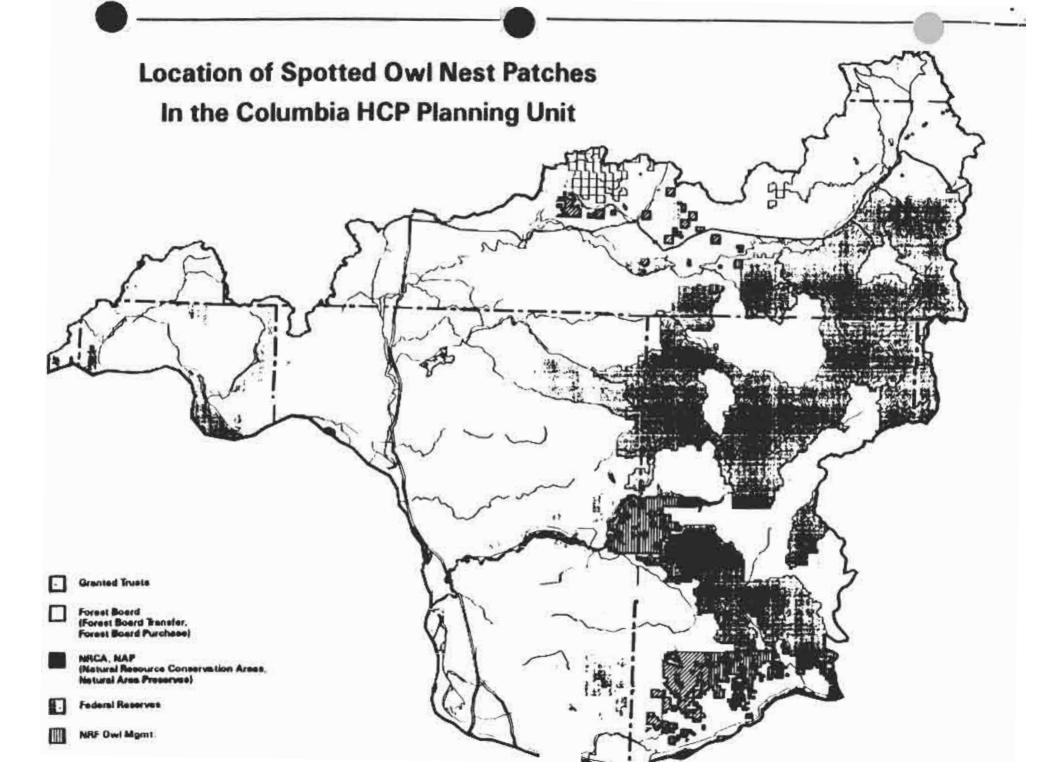
Joy Keniston-Longrie, Manager, Resource Planning and Asset Management Division

Michael Perez-Gibson, Manager, Forest Resources Division

Bill Wallace, Manager, Northwest Region

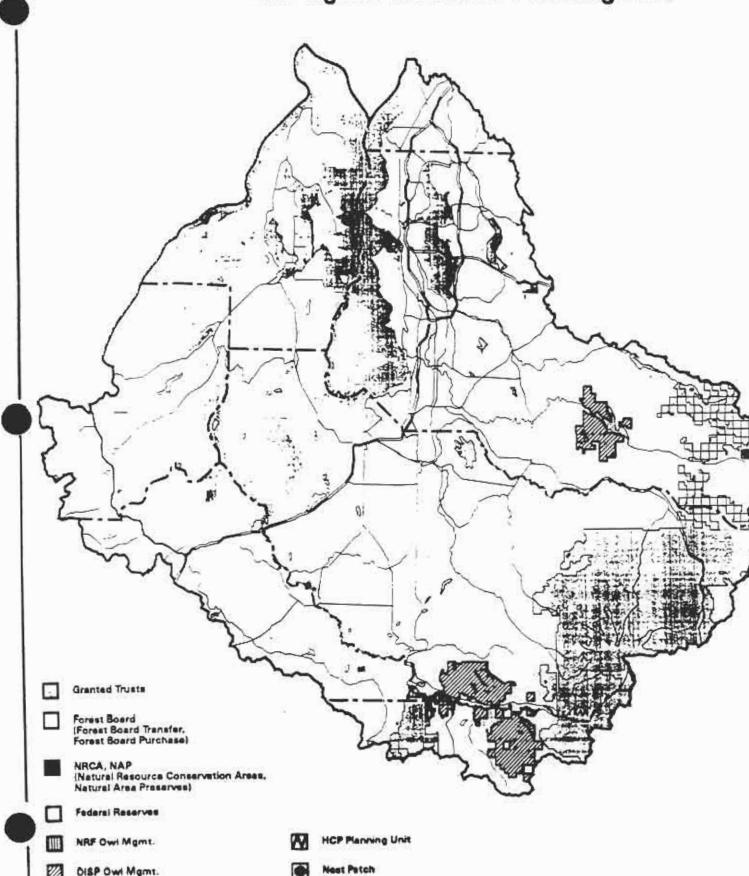
Lenny Young, Assistant Manager, Resource Planning and Asset Management Division Paula Swedeen, Natural Resource Scientist, Resource Planning and Asset Management Division

	Table 1. Location and	Condition of Spotted	Owl Nest Patches.			
	Habitat Condition in the 300-acre Core					
Planning Unit	Old Forest	Sub-mature	YFM or Forested Non-habitat	Total		
North Puget	22	3	17	42		
South Puget	1	0	1	2		
Columbia	10	12	0	22		
Total	33	15	18	66		



Location of Spotted Owl Nest Patches





Location of Spotted Owl Nest Patches In the North Puget Sound HCP Planning Unit

